

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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RAMEEN B. GASERY,

Plaintiff,

-against-

KALAKUTA SUNRISE, LLC ET AL,

Defendants.

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JENNIFER E. WILLIS, United States Magistrate Judge:

On July 7, 2023, the Court extended the discovery deadline to July 31st to permit the Parties to engage in settlement discussions. Dkt. No. 160. On the 31st, the Defendant sought an additional extension and raised the possibility of moving to file a counterclaim. Dkt. No. 161. Defendant indicated that Plaintiff opposes this application.

On August 3rd, the Court scheduled a discovery conference for August 29th. Dkt. No. 162. On August 28th, the Court granted the Parties' joint request to adjourn the conference to September 11th at 2:30 pm. Dkt. No. 165.

Today, the Plaintiff arrived on time for the conference, but the Defendant did not appear. The Court waited until 3 pm before deciding to reschedule the conference. The Court has not received either a phone call or an email from the Defendant seeking an adjournment or offering an explanation for the nonappearance.

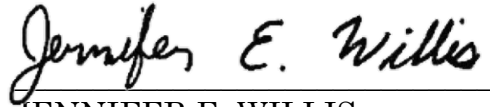
By September 15th, each Party shall submit a status report identifying any outstanding discovery matters and proposing a discovery schedule. Should either

Party oppose any extension of the discovery deadline, they should say so in their letter.

In its July 31st letter, the Defendant indicated that it would consider seeking leave to file a counterclaim. Without predetermining whether leave to file a counterclaim will be granted, the Defendant has **until September 15th to formally seek leave to file a counterclaim.**

SO ORDERED.

DATED: New York, New York
September 11, 2023


JENNIFER E. WILLIS
United States Magistrate Judge